

DEFENDANT THOMAS LANE INSTRUCTION #1 PROPOSED  
COUNT 3 DEPRIVATION OF CIVIL RIGHTS 18 USC 242  
AND ENTRAPMENT DEFENSE

The crime of deprivation of Civil Rights as charged in Count 3 of the indictment has five essential elements the prosecution must prove beyond a reasonable doubt:

One, the Defendant, Thomas Lane, deprived George Floyd of a right, privilege or immunity secured by the Constitution or laws of the United States, that is, the right not to be deprived of liberty without due process of law, which includes an arrestee's right to be free from a police officer's deliberate indifference to the arrestees serious medical needs, that is:

1) Defendant Thomas Lane saw George Floyd lying on the ground in clear need of medical care; 2) willfully failed to aid George Floyd; 3) thereby acting with deliberate indifference to a substantial risk of harm to George Floyd; and 4) resulting in the death of George Floyd.

Two, the Defendant, Thomas Lane, acted willfully, that is, the Defendant committed such act with a bad purpose or improper motive to disobey or disregard the constitution, specifically intending to deprive George Floyd of that right;

Three, for deliberate indifference the prosecution must prove that Defendant Thomas Lane actually knew of Floyd's serious medical needs. It is not enough that a reasonable official should have known of the risk. Rather, the prosecution must prove that Thomas Lane actually knew of the serious medical needs and deliberately disregarded it. Jones v. Minnesota Department of Corrections, 512 F.3<sup>rd</sup> 478 (8<sup>th</sup> Cir. 2008);

Four, the Defendant, Thomas Lane, acted under color of law which means that the Defendant Thomas Lane acted in his official capacity, as a police officer, but abused or misused his power by going beyond the bounds of lawful authority;

Five, George Floyd died as a result of Defendant Thomas Lane's conduct.

If all five of these elements have been proved beyond a reasonable doubt as to the Defendant Thomas Lane and if it has further been proved beyond a reasonable doubt that Defendant Thomas Lane was not entrapped then you must find Defendant Thomas Lane guilty of the crime charged; otherwise you must find the Defendant Thomas Lane not guilty of this crime.